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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/177,356	10/23/1998	FRANCIS J. MAGUIRE, JR.	313-010-1	2996

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EXAMINER

SALCE, JASON P

ART UNIT	PAPER NUMBER
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2611

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DATE MAILED: 10/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/177,356

Applicant(s)

MAGUIRE, JR., FRANCIS J.

Examiner

Jason P Salce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20, 22-24, 26 and 28-31 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20, 22-24, 26, 28 and 29 is/are rejected.
- 7) ☒ Claim(s) 30 and 31 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The examiner has found new art pertaining to the applicant's claimed invention, the finality of that action is withdrawn, and a new action is presented.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morita (U.S. Patent No. 6,611,285) in view of Petelin et al. (U.S. Patent No. 5,436,542).

Referring to claim 1, Morita discloses a video camera for providing video signals indicative of said video images captured by said video camera (see element 204 in Figure 2).

Morita also discloses a first display, responsive to said video signals, for providing said video images for viewing by a first user (see element 201 in Figure 2 and Column 6, Lines 50-51).

Morita also discloses an n-axis sensor, responsive to n-axis first display motions caused by said first user, for providing an n-axis attitude control signal (see a pointing device 205 in Figure 2 for providing motions (using a mouse), which provides an attitude control signal).

Morita also discloses one or more second displays, responsive to said video signals, for providing said video images for viewing by one or more corresponding

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second users (see elements 501A through 501C in Figure 13 and Column 9, Lines 24-31) and responsive to said n-axis attitude control signal for executing n-axis second display motions emulative of said n-axis first display motion (see Column 11, Lines 62-67 and Column 12, Lines 1-8).

Morita fails to disclose a platform for mounting the video camera thereon, responsive to an attitude command signal, for executing platform motions emulative of the first display motions. Petelin discloses a motorized camera mount that can be controlled based on a first user's display motions (see Column 1, Lines 42-61 and Column 3, Lines 45-61).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the camera (element 204 in Figure 2), as taught by Morita, to utilize the camera mount, as taught by Petelin, for the purpose of remotely enabling a user to adjust the camera position (see Column 1, Lines 35-38 of Petelin).

Referring to claim 20, see rejection of claim 1 and note that the sensor in claim 1 is analogous to the display user input.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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3. Claims 2-4 and 6-19 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Morita (U.S. Patent No. 6,611,285).

Referring to claim 2, Morita discloses a reality engine (camera) for providing an image signal indicative of images taken from various attitudes (angles) (see element 204 in Figure 2).

Morita also discloses a telepresence server (element 510 in Figure 5), responsive to said image signal, for providing said image signal (see Column 6, Lines 48-51) and attitude control signal to at least one attitudinally actuatable display (elements 500a-500c in Figure 5) via a telecommunications network (element 505 in Figure 5) for attitudinally actuating said display for guiding a viewing attitude of a user (see Figures 3 and 4 and Column 6, Lines 50-67 for changing the attitude of the view by adjusting the angle of the camera) and for displaying said images for said user of said attitudinally actuatable display for passively viewing said images from said various attitudes (see Column 6, Lines 49-50 for a view window for displaying the video at the adjusted camera angles).

Referring to claim 3, Morita discloses that the telepresence server provides access to a camera for an active user of a display attitudinally actuatable by said active user for providing said attitude control signal to said camera and to said telepresence server (see Figure 13 for an active user represented by element S501, who sends attitude control signals to the camera through server 510 (also see Column 11, Lines 62-67 and Column 12, Lines 1-8).

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Referring to claim 4, Morita discloses that the telepresence server is for providing access to said camera for a director (note that the active user in Figure 13, is the only one that control the camera view, and therefore, is inherently a director).

Referring to claim 6, Morita discloses providing a video signal from a camera in response to a user control signal for controlling information contained in a video signal (see Column 6, Lines 44-51).

Morita also discloses providing said video signals to a plurality of users via a telecommunication network according to selection signals received over said network from said plurality of users wherein each selection signal is indicative of a camera selected by a particular user and wherein said camera is selectable by multiple users but only controllable by one user control signal at a time (see Figure 13 and see Column 11, Lines 62-67 and Column 12, Lines 1-8).

Referring to claim 7, Morita discloses how a user can be active or passive at 13 and see Column 11, Lines 62-67 and Column 12, Lines 1-8.

Referring to claim 8, see rejection of claim 7 for controlling the camera as an active user.

Referring to claim 9, see rejection of claim 7 for acting as a passive user.

Referring to claim 10, see rejection of claim see rejection of claim 9, and also note that according to Figure 13, multiple users can be passive users (disabled).

Referring to claim 11, see rejection of claim 8 for an active user controlling the system. Since the active user is the only one that controls the camera angle, he or she is inherently a director.

Referring to claim 12, see rejection of claim 10 for multiple users acting as passive users.

Referring to claims 13 and 14, see rejection of claims 11-12 and note Figure 2 for the camera being local to a user (or director depending on if the user is active or passive). Also note Figure 8 for multiple users.

Referring to claims 15-19, see rejection of claims 6, 11, 13 and 7, respectively.

4. Claim 5 is rejected under 35 U.S.C. 102(e) as being clearly anticipated by Gallery (U.S. Patent No. 5,900,849).

Referring to claim 5, Gallery discloses an n-axis display platform (see the head mount of the HMD (element 16) in Figure 3), responsive in a passive mode to an attitudinal control signal, for guiding a user's head to execute attitudinal movements (see Column 2, Lines 23-28 for guiding a user's head by sending an alarm signal to help the user avoid a dangerous area), and responsive in an active mode to attitudinal movements of a user's head for providing sensed signals indicative of said attitudinal movements (see Column 2, Lines 14-17 for providing signals representing positional changes of the HMD).

Gallery also discloses a display connected to said n-axis platform, responsive to a video signal, for displaying images corresponding to said attitudinal movements (see element 60 in Figure 3 and Column 2, Lines 17-20).

5. Claims 22-24, 26 and 28-29 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Pye (U.S. Patent No. 5,634,622).

Referring to claim 28, Pye discloses a display mounted on a first platform part, rotatable about a first axis (see element 70 in Figure 5 and Column 5, Lines 34-36).

Pye also discloses a second platform part within, which said first platform part is rotatably mounted for rotation about a second axis (see element 90 in Figure 5 and Column 5, Lines 44-49).

Pye also discloses at least one of a first motor (element 100 in Figure 5 and Column 5, Lines 50-53) and first sensor (see element 130 in Figure 5) fixed in or to said first platform part (see Column 6, Lines 4-10) for rotationally driving and sensing rotations (see Column 6, Lines 10-12), respectively, of said first platform part about first axis (see Column 5, Lines 55-59).

Referring to claim 29, see rejection of claim 28 and note that a third platform part within which said second platform part is rotatably mounted for rotation about a third axis is disclosed by element 40 in Figure 2 and at Column 5, Lines 11-16.

Referring to claim 22, Pye discloses that a third platform part within which said second platform is rotatably mounted for rotation about a third axis (again, see element 40 in Figure 5).

Referring to claim 23, Pye discloses that the first and second axes (elements 70 and 90 in Figure 5) are perpendicular. Note that element 90 is capable of tilting forward or backward, and therefore, may lie perpendicular to element 70.

Referring to claim 24, Pye discloses that the first, second and third axes are mutually perpendicular (see rejection of claim 23, and refer to Figures 2 and 5).

Referring to claim 26, Pye discloses a TV that can be mounted on the television stand, for a user to place his/her eyes thereon (see Column 4, Lines 51-54).

Allowable Subject Matter

6. Claims 30-31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P Salce whose telephone number is (703) 305-1824. The examiner can normally be reached on M-Th 8am-6pm (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

September 22, 2003


VIVEK SRIVASTAVA
PRIMARY EXAMINER